

**REMARKS**

**35 U.S.C. §102(2)**

Claims 1-5 and 10 stand rejected under §102(e) as being anticipated by Dennis et al. (United States Patent 6,834,838). Dennis et al. are cited as disclosing a container holder comprising: a carrier portion (100') adapted to be selectably mounted within the vehicle (104'), the carrier portion having at least one recess opening formed therein; at least one receptor portion (108) adapted to telescopically engage and be retained within the at least one opening formed in the carrier portion and wherein the at least one container receptor portion is adjustable between an extended and collapsed position relative to the carrier portion (Figures 1a & 1b).

Claims 1 and 10 have been amended to define the receptor portion as protruding axially outwardly relative to a bottom end of the carrier portion in the extended position. Dennis et al. disclose the receptor portion (108) as extending outwardly from a top end of the carrier portion (100). Dennis et al. do not disclose the receptor portion as protruding axially outwardly relative to the bottom end of the carrier portion and, therefore do not include each and every element defined in each of claims 1 and 10. As such, Dennis et al. do not anticipate claims 1 and 10 as amended.

Applicant respectfully requests withdrawal of the anticipation rejections of claims 1 and 10 by Dennis et al. under §102(e). Applicant also respectfully requests withdrawal of the anticipation rejections of claims 2-5 by Dennis et al. under §102(e) on the basis of dependency from claim 1.

**35 U.S.C. §103(a)**

Claims 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis et al. in view of Flowerday et al. (United States Patent 6,435,587). Dennis et al. fails to specifically

disclose the carrier portion being mountable to a floor tray in the vehicle. Flowerday et al. are cited to bolster Dennis et al. in this regard.

Claim 6 has been amended to define the carrier portion as being mountable to a plurality of complementary mounting positions within the vehicle. Claim 6 has also been amended to include the limitation that the receptor portion protrudes axially outwardly relative to a bottom end of the carrier portion in the extended position. Neither of the cited references disclose the carrier portion as being mountable to a plurality of complementary mounting positions within the vehicle, nor do they disclose the receptor portion as protruding axially outwardly from a bottom end of the carrier portion in the extended position. Applicant respectfully submits the combination of Dennis et al. and Flowerday et al. fails to teach each and every element of the container holder assembly as defined in claim 6.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 6 under §103(a) as being unpatentable over Dennis et al. in view of Flowerday et al. Applicant also respectfully requests withdrawal of the §103(a) rejections of claims 7-9 on the basis of dependency from claim 6.

Additionally, Applicant respectfully submits new Fig. 7 which illustrates the plurality of complementary mounting positions within the vehicle. Support for the amendment to claim 6 adding this limitation and new Fig. 7 is found on page 4, line 21 through page 5, line 2, and on page 9, lines 8-10 in the specification as originally filed.

**35 U.S.C. §112**

The drawings and specification are objected to as not clearly disclosing the locking engagement between the first portion 28 and the complementary portion 34 for maintaining the receptor portion in the extended position relative to the carrier portion. The detailed description

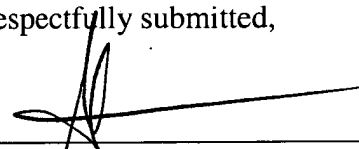
of the invention has been amended to specifically describe the operative features of the first 28 and complementary 34 portions. Additionally, replacement sheets for amended Figures 4B and 4C are provided which include numeric references to these specific features of the first portion 28 and the complementary portion 34. Support for the amendments to the drawings and to the specification can be found in the original application as filed. Applicant respectfully submits no new matter is added by the amendments to the drawings and specification.

### Conclusion

Applicant respectfully submits that all of the claims in the instant application patentably define Applicant's invention over the prior art references of record and are, therefore, allowable. Accordingly, reconsideration of the above rejections and advancement of the present case to issue is requested. If the Examiner finds to the contrary, it is respectfully requested that the undersigned attorney be contacted at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

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3/2/06

Serial No. 10/658,302

Reply to Office Action of November 2, 2005

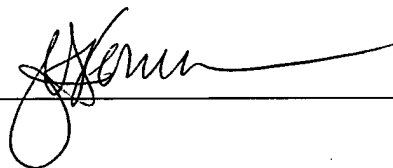


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